MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2019/2020

UPP4722 – PROFESSIONAL PRACTICE II

(All Sections / Groups)

07 MARCH 2020
Reading Time: 09.00 a.m. – 09.15 a.m.
(15 Minutes)
Answering Time: 09.15 a.m. – 12.15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in the question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 5 Questions only.

3. Attempt **ALL** questions in **SECTION A** and any **ONE** question in **SECTION B**. The distribution of the marks for each question is given.

4. Students are only allowed to bring in a CLEAN and ORIGINAL COPY of the following statutes into the exam venue:

   (a) Wills Act 1959
   (b) Rules of Court 2012
   (c) Distribution Act 1958
   (d) Public Trust Corporation Act 1995
   (e) Small Estate (Distribution) Act 1955
   (f) Probate and Administration Act 1959

   "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

5. Please write all your answers in the Answer Booklet provided.

SECTION A: Attempt ALL Questions.

QUESTION 1

(a) Godric Gryffindor was 56 when he died last December. Godric never married and had no children. Godric's parents died a number of years ago. He had two siblings: Matthew (55 years old) and Lydia (48 years old). Godric left with his uncle, James a handwritten note (as shown below) which he believed to be his last Will.

GODRIC'S NOTE

To James,

In the event of my death please make sure all my estate goes to The World Project for Conservation Planning which is based in Kuala Lumpur.

Thanks!
Godric Gryffindor
8/7/2002

Indiana Jones
Witness

James recalls Godric telling him about this note which he wrote in a hurry before he left Malaysia for a job in a remote area of rainforest in Sierra Leone, which at the time was considered quite dangerous. Indiana Jones is the colleague he travelled with.

James was unsure as to the validity of the will and the person who is entitled to administer Godric's estate.

Advise James. (11 marks)

(b) Describe the method of amending a Will. (10 marks)

(c) Would the above note be valid, if Godric was a soldier? (4 marks)

(Total: 25 marks)

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QUESTION 2

Latte suffered from a heart attack and died intestate. He left behind him a number of family members as follows:

- Sugar, the surviving wife;
- Mocha, his son aged 29 who is married to Milk with a child by the name of Salt (2 years old); and
- Honey, his legally adopted daughter aged 20 years old.

Latte's estate worth about RM2.5 million, comprising both movable and immovable properties. At the time of his death, he had a credit card debt of RM3,000 and a balance housing loan of RM400,000 remain unpaid to Bank Kaya Berhad. Currently, there is an interested purchaser for one of the houses owned by Latte at Kuala Lumpur.

Explain to Latte's family about:

(a) the application of the relevant grant of representation and the duties of the personal representative;

(13 marks)

(b) whether the house in Kuala Lumpur can be disposed of before the grant of the representation is applied and issued; and

(9 marks)

(c) how the estate of Latte should be distributed?

(3 marks)

(Total: 25 marks)

QUESTION 3

Doe fell into the river and drowned. He left a will appointing Ray to be the sole executor of his will. Ray applied and was granted a probate of Doe's will. Five months later, Ray and his wife, Mee met with a road accident. Unfortunately, Mee died on the spot intestate. Ray was sent to the hospital. After struggling for a day, Ray passed away. By his will which was made a year ago, Ray appointed Mee to be his sole executrix. At the time of Ray's death, Ray had not fully administered Doe's estate.

(a) Fah, the daughter and sole next of kin of Doe, is very concerned about the unadministered part of Doe's estate. She seeks your advice on what can be done.

(19 marks)

(b) Would your advice to Fah be different, if Mee survived in the road accident?

(6 marks)

(Total: 25 marks)

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SECTION B: Attempt ONE Question only.

QUESTION 4A

(a) Remus Lupin applied for the revocation of the probate granted to Albus, the executor and in place to appoint the Amanah Raya Berhad (ARB) as an administrator. The High Court allowed the application as there was a sufficient cause to revoke his appointment and ARB was duly appointed as the administrator of the estate on 04.06.2008.

After 10 years of inaction, Remus entered a caveat against the estate of the deceased on 01.11.2017. However, the ARB on 04.01.2018 applied to the High Court and obtained a Grant of Probate over the estate.

Advise Remus Lupin. (16 marks)

(b) Describe the procedure to challenge a Caveat. (9 marks)

(Total: 25 marks)

QUESTION 4B

(a) Brown, a Malaysian had been residing in Selangor for more than fifty years. In February 2019, Brown and his son, White migrated to Australia. Unfortunately two months later, Brown met with an accident and died intestate. Brown owned a house in Australia and two units of condominium in Kuala Lumpur. White, being the only next-of-kin of Brown, managed to obtain the grant of letter of administration from the Australian Court. Subsequently, Brown's house in New Zealand was transmitted to White pursuant to the letter of administration. White now wants to make a claim to Brown's condominiums in Kuala Lumpur.

Discuss the steps that should be taken by White.

(10 marks)

(b) "At times, a gift by will may lapse and lead to unintended disinheritance."

Discuss the above statement. (15 marks)

(Total: 25 marks)

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